

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Krista Jordan :
1963 Pine Street :
Erial, NJ 08081 :
Plaintiff :
: :
: :
: No.
v. :
: :
John Doyle :
1098 Harns Hill Road :
Phoenixville, PA 19460 :
Defendant :

COMPLAINT

I. Introduction

1. Plaintiff, Krista Jordan, files this action against John Doyle, seeking damages for personal injury.
2. Plaintiff Krista Jordan suffered damage due to the negligence and/or recklessness of Defendant.
3. Defendant, John Doyle, is an individual residing in the Commonwealth of Pennsylvania.

II. Jurisdiction/Parties/Jury

4. Plaintiff is a resident of New Jersey, living at the above-captioned address. Defendant is a resident of Pennsylvania, residing at the above-captioned address. The matter in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. §1332. Venue is proper under 28 U.S.C. §1391(a)(2).
5. A jury trial is demanded.

III. Factual Allegations

6. On or about August 1, 2004, at approximately 3:35 p.m., Plaintiff was sitting in the passenger seat of her car, which was being driven by her then-fiancee Jeremy Travaglini.

As the car approached the yield sign on the southbound on-ramp to Rt. 222, near the intersection of Rt. 222 and Rt. 183, in Bern Township, Berks County, Pennsylvania, it was compelled to stop in order to yield to traffic at the merge at the end of the on-ramp. At that moment, without warning, the Plaintiff's vehicle was struck from behind by a vehicle owned and operated by Defendant, causing Plaintiff serious and permanent personal injuries, including herniated discs at L4-5 and L5-S1, sprain and strain of the cervical, thoracic, and lumbosacral spine, and lumbar radiculopathy. Plaintiff Krista Jordan seeks damages for pain and suffering caused by the accident..

7. Plaintiff is deemed full tort under Pennsylvania law because (a) Plaintiff did not elect a verbal threshold on her New Jersey auto insurance policy; (b) an accident where a Pennsylvania driver hits a New Jersey driver in Pennsylvania is not subject to tort limitation (75 Pa.C.S. §1705(d)(2)); and (c) Plaintiff Krista Jordan's injuries are serious enough to cross the limited tort threshold, even if it had been elected.

IV. Count I- Negligence

8. Plaintiff restates paragraphs 1-7 of the preceding as if they were set forth here in full.
9. The aforesaid accident was due to the carelessness, recklessness, and negligence of the Defendant, John Doyle, such carelessness, recklessness and negligence consisting of the following:
 - (a) operating said motor vehicle at an excessive rate of speed;
 - (b) failing to have said motor vehicle under proper and adequate control;
 - (c) operating and/or maintaining and/or servicing the said vehicle without due regards of the rights, safely and position of the Plaintiff(s) at the point aforesaid;
 - (d) failing to give proper and sufficient warning of the vehicle's approach;
 - (e) violating the various ordinances of Berks County and the statutes of the Commonwealth of Pennsylvania pertaining to the operation of motor vehicles on the highways and roads;
 - (f) failing to keep a proper lookout;
 - (g) otherwise failing to use due care control in the operation of said motor vehicles;
 - (h) Further negligence in fact and at law and to be determined through the discovery process.

V. Damages

WHEREFORE, Plaintiff demands judgment against Defendant and requests damages be awarded in an amount to exceed \$75,000, together with court costs and interest.

Respectfully Submitted,

ELI GABAY, ESQUIRE
For Krista Jordan, Plaintiff
Attorney ID#39983
Solomon, Sherman & Gabay
8 Penn Center- 1628 John F. Kennedy Blvd.
Suite 2200
Philadelphia, PA 19103
(215) 665-1100
(215) 665-8471 (FAX)